

Date September 9, 2019

**RESOLUTION HOLDING HEARING ON PROPOSED ZONING ORDINANCE,
PLANNING AND DESIGN ORDINANCE, CITYWIDE ZONING MAP AMENDMENT,
AND REVISIONS TO DES MOINES MUNICIPAL CODE REFLECTING ADOPTION
THEREOF, AND APPROVING TEMPORARY MORATORIUM ON
REZONING APPLICATIONS**

WHEREAS, the City's existing zoning ordinance, set forth in Chapter 134 of the Des Moines Municipal Code, was comprehensively written in 1965 and has been amended over 300 times thereafter; and

WHEREAS, in 2014, the City Council approved funding for creation of a new comprehensive plan and zoning ordinance for the City of Des Moines; and

WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan as the comprehensive plan for the City of Des Moines; and

WHEREAS, on March 21, 2016, by Roll Call No. 16-478, the City Council accepted the proposal of Duncan Associates, CodaMetrics, and the Lakota Group to prepare a comprehensive rewrite of the existing zoning ordinance and authorized the City Manager to negotiate and execute contracts to implement said proposal, and City Council thereafter approved the First Amendment to said contract on April 3, 2017 by Roll Call No. 17-0592; and

WHEREAS, the zoning ordinance revision process undertaken by City staff and the City's consultant included two public review drafts, multiple Steering Committee meetings and stakeholder meetings, review of over 300 public comments and 350 staff comments, and Plan and Zoning Commission and City Council workshops; and

WHEREAS, on July 25, 2019, the members present of the Steering Committee unanimously agreed to recommend approval to the City's Plan and Zoning Commission of the proposed Zoning Ordinance, which would repeal and replace existing Chapter 134 of the Des Moines Municipal Code and Article 5 of which would repeal and replace the City's Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580; the proposed Planning and Design Ordinance, which would repeal and replace portions of existing Chapter 82 and the City's Site Plan Ordinance and Site Plan/Landscape Policies adopted March 22, 2004 with a new Chapter 135 of the Des Moines Municipal Code; and to adopt the updated Citywide Zoning Map rezoning all real property within the City limits of the City of Des Moines to reflect the newly designated zoning districts as defined in the proposed Zoning Ordinance; and

WHEREAS, said recommendation of the Steering Committee was subject to inclusion and modification of the substantive and minor revisions to the proposed Zoning Ordinance and Planning and Design Ordinance as presented to the Committee by City staff, which City staff revisions and Committee-requested modifications were provided to the Plan and Zoning Commission; and



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WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 1, 2019, its members voted 14-0 in support of a motion to recommend **APPROVAL** of the proposed Zoning Ordinance, the proposed Planning and Design Ordinance, the updated Citywide Zoning Map, and necessary revisions to Chapter 82 of the Des Moines Municipal Code relating to the adoption of said proposed Zoning Ordinance and Planning and Design Ordinance, subject to deletion of minimum house size requirements for House Types A, B, C and D as presented in the recommendation by City staff and by the Steering Committee; and

WHEREAS, following the City Council Workshop on August 26, 2019, the City Manager and City staff prepared a list of additional revisions, as attached hereto, which revisions have been incorporated into the text of the proposed ordinances where applicable; and

WHEREAS, the proposed Zoning Ordinance, Planning and Design Ordinance and ordinance updating the Citywide Zoning Map, in forms consistent with the recommendation of City staff and the Steering Committee as modified by the additional revisions attached hereto, and the proposed ordinance making necessary revisions to Sections 2-923, 10-5, 10-43, 14-180, 14-183, 18-56, 18-137, 26-302, 26-303, 26-802, 26-805, 30-291, 30-293, 30-334, 42-56, 42-86, 42-254, 42-258, 42-553, 42-555, 50-35, 78-10, 78-61, 78-67, 78-74, 82-1, 82-3, 82-41, 82-77, 82-206 through 82-219, 98-75, 98-76, 98-116, 102-191, 102-359, 102-379, 102-608, 102-1010, 114-361.02, and 114-632 of the Des Moines Municipal Code relating to the adoption of said proposed Zoning Ordinance and Planning and Design Ordinance (hereinafter “cross-reference amendments ordinance”), all are on file and available to the public for viewing in the office of the City Clerk, along with written communications received by the City’s Planning Administrator via the City’s PlanDSM website; and

WHEREAS, on August 19, 2019, by Roll Call No. 19-1318, it was duly resolved by the City Council that the proposed adoption of the proposed Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map ordinance, and cross-reference amendments ordinance be set down for public hearing on September 9, 2019 at 5:00 p.m. in the Council Chambers at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map ordinance, and cross-reference amendments ordinance; and

WHEREAS, in accordance with the notice, those interested in the proposed ordinances, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, a temporary moratorium on the approval of rezoning applications for any zoning district other than to Planned Unit Development (PUD) is necessary and appropriate to prevent rezoning to districts that will not exist and the intended use of property that may not be permitted



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as of the effective date of the Zoning Ordinance and Citywide Zoning Map ordinance, with any properties rezoned to Planned Unit Development during the moratorium period becoming Legacy Planned Unit Developments upon said effective date.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that:

1. Upon consideration of the facts, statements of interested persons and arguments of counsel, any and all objections to said proposed Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map ordinance, and cross-reference amendments ordinance be and the same are hereby overruled, and the hearing is closed.
2. The City Council hereby makes the following findings in support of the proposed Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map ordinance, all as updated by the list of additional revisions attached hereto, and the cross-reference amendments ordinance (collectively “ordinances”):
 - a. Said ordinances are necessary to protect and preserve the rights, privileges, and property of the city and of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents, for the reasons stated herein.
 - b. The Zoning Ordinance and Citywide Zoning Map ordinance are further necessary to promote the health, safety, morals, and general welfare of the community and to preserve historically significant areas of the community.
 - c. Said ordinances provide more options and a streamlined approach to remedy the issues caused by the current Zoning Code, written in 1965 and amended over 300 times, of conflicting procedures and inefficient application processes resulting in delay for property owners and developers and detriment to the City’s goals of efficiency and affordability in the planning, design, and zoning processes.
 - d. Said ordinances provide a planning and zoning vision and strategy for Des Moines and its neighborhoods for future decades, and insure that the cost to the City of providing services and infrastructure throughout Des Moines is sustainable.
 - e. Said ordinances complement Des Moines’ current role as a leader in the metropolitan area in providing affordable housing opportunities, including options for residents to move, downsize, and grow within their homes and neighborhoods and to have access to transit corridors for cost-effective mobility, while ensuring that diverse housing types are built in the City and that public infrastructure and services are utilized in an efficient, effective manner.
 - f. Consistent with the City’s current and planned neighborhood revitalization efforts, said ordinances protect the character and vitality of existing and new neighborhoods through design standards, while valuing the importance of in-fill construction that enhances value and matches the character of existing neighborhoods.
 - g. Said ordinances are consistent with PlanDSM: Creating Our Tomorrow Plan, the comprehensive plan for the City of Des Moines, and meet the multiple goals thereof including but not limited to the following:



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- i. Land Use (LU) Goal 1: Develop new land development regulations consistent with this Comprehensive Plan, include development standards, provide for a mixture of land uses, mandate protection of natural resources, and promote flexible approaches to implementing the Plan.
 - LU1.3: Ensure new zoning and land use regulations promote development and redevelopment that is compatible with the neighborhood character and reduces negative impacts between incompatible uses.
- ii. Land Use (LU) Goal 2: Direct new growth and redevelopment to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services, and public amenities.
 - LU2.8: Encourage continued redevelopment and enhancement of regional nodes emphasizing a mix of uses, ease of access by transit, enhanced walkability, and high density residential.
 - LU2.10: Prioritize new mixed use development and redevelopment along proposed high capacity transit corridors and nodes.
 - LU2.13: Encourage high-density housing in identified nodes and along corridors that provide convenient access to public transit, public amenities and services, schools and open space, and are in close proximity to job centers.
 - LU2.15: Prioritize development and redevelopment in areas with existing infrastructure and properties included in adopted Urban Renewal Plans.
 - LU2.16: Require new development in recently annexed areas to work with the City to evaluate the cost of providing City infrastructure and services to ensure development has a positive financial return on any city investment.
- iii. Land Use (LU) Goal 4: Continue to embrace the distinct character of Des Moines' neighborhoods while allowing for new development and redevelopment.
 - LU 4.25: Require new development and redevelopment to be compatible with the existing neighborhood character.
- iv. Transportation Goal 4.22: Encourage higher densities and mixed-use transit oriented development (TOD) to locate on transit corridors.
- v. Housing (H) Goal 1: Provide a diversity of housing options to accommodate residents of all ages, income levels, household sizes, and cultural backgrounds.
 - H1: Ensure an adequate supply of housing through a mix of new development, infill development, and redevelopment of existing properties.
 - H4: Promote accessible, affordable, and age-friendly housing alternatives in all neighborhoods to accommodate persons with disabilities and allow seniors to age in place, in proximity to known services, and with easily accessible quality open space.
 - H5: Address availability and affordability of housing options for all families.
- vi. Housing (H) Goal 2: Preserve, maintain, and improve the existing inventory of single-family and multi-family housing.
 - H16: Streamline permit and development processes to encourage development in accordance with applicable regulations.



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- vii. Housing (H) Goal 3: Promote sustainable housing development that utilizes existing resources and supports compact, walkable, and bikeable neighborhoods.
 - H17: Encourage the use of existing public infrastructure by focusing housing development on infill, vacant, and under-developed land.
 - H19: Encourage mixed use development that incorporates affordable and market rate housing along transit corridors and in neighborhood nodes.
 - H20: Prioritize housing development at an increased density in locations that are close to public transit, shopping, public amenities, schools, and open spaces.
 - viii. Housing (H) Goal 4: Support development of and access to quality housing affordable to all income level households.
 - H23: Support and promote a regional approach to provision of affordable housing.
 - ix. Community Character and Neighborhoods (CCN) Goal 1: Embrace the distinct character offered in each of Des Moines' neighborhoods.
 - CCN2: Ensure a diverse mix of housing types, styles, scales, density, and affordability that complement existing neighborhood character.
 - CCN4: Adopt high quality development standards, such as zoning district and site plan regulations, and design guidelines related to form, massing, and materials that lead to the development of attractive, walkable neighborhoods.
 - CCN5: Ensure infill development is sensitive to the existing character of the neighborhood.
 - x. Community Character and Neighborhoods (CCN) Goal 2: Further Des Moines' revitalization efforts to improve the strength, stability, and vitality of all neighborhoods.
 - xi. Community Character and Neighborhoods (CCN) Goal 3: Promote the redevelopment and revitalization of neighborhood nodes and corridors.
3. The proposed Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map ordinance, all as updated by the list of additional revisions attached hereto, and the cross-reference amendments ordinance, in form on file in the office of the City Clerk, are hereby approved, subject to final passage of each respective enacting ordinance and effective as of December 15, 2019.
4. The City's Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580 and the City's Site Plan Ordinance and Site Plan/Landscape Policies adopted March 22, 2004, are hereby repealed and replaced by the proposed Zoning Ordinance and Planning and Design Ordinance, respectively, subject to final passage of each respective ordinance and effective as of December 15, 2019.
5. The City Manager and his designee(s) shall continue to work with the City Council, the City Plan and Zoning Commission, and other interested parties to review the functionality of said ordinances, and shall present proposed amendments to said ordinances, if any, to City Council for consideration no later than September 2020.
6. In the event that any owner of property applies for rezoning, conditional use approval, Type 1 or Type 2 zoning exceptions, or variances under the Zoning Ordinance, and/or applies for Type 1 or Type 2 design alternatives under the Planning and Design Ordinance, the Community



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Development Director and his designee(s) are directed to review and consider any conditions previously approved by the Plan and Zoning Commission or by City Council that were applicable to the subject property prior to the effective date of said ordinances when making recommendations and decisions on approval and conditions.

7. The Community Development Director and his designee(s) shall allow property owners and developers to provide "stock plans" for House Types A, B, C and D under the Planning and Design Ordinance, which plans shall be kept on file with the Community Development Department following their approval and which plans may be used to process site plans, alternate design documentation, and building and related permits, unless and until said plans conflict with any future amendments of said ordinance.

8. No application to rezone property to any zoning district other than Planned Unit Development (PUD) shall be accepted or processed by the City of Des Moines, effective immediately upon the adoption of this resolution and through December 14, 2019 (after a term of 97 days), unless this moratorium is repealed or extended by further action of the City Council. Any party may by written application to the City Clerk request relief from the effect of this moratorium where necessary to avoid unnecessary hardship, which application shall identify the basis for the applicant's contention that the moratorium is causing unnecessary hardship and which shall be considered by the City Council at the first regularly scheduled Council meeting more than ten days following the date that such application is filed with the City Clerk. If the City Council determines that the application of this moratorium is causing the applicant unnecessary hardship, the City Council shall allow such relief from this moratorium as is necessary to remedy such unnecessary hardship. Applications for rezoning to any applicable district may be accepted and processed under the new Zoning Ordinance on December 15, 2019.

MOVED by _____ to adopt.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

ADDITIONAL REVISIONS:

1. Allow Type 1 design alternative to garage requirement for House Types B, C and D, subject to provision of storage shed.

- Revise first sentence of Section 135-2.14.3.A.2, “Required Accessory Building; Accessory Building Locations”, to state “Garage for single-unit houses, minimum 288 square feet” rather than “minimum 12 ft. by 24 ft.”
- Revise Section 135-2.14.3.E.3 to state:

Garage Requirement. A minimum 288 square feet garage is required for each House B building and each unit of a 2-unit House B. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved if it is determined by the community development director that the character of the surrounding neighborhood is absent of garages and subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property.

- Revise first sentence of Section 135-2.15.3.A.2, “Required Accessory Building; Accessory Building Locations”, to state “Garage for single-unit houses, minimum 288 square feet” rather than “minimum 12 ft. by 24 ft.”
- Revise Section 135-2.15.3.E.4 to state:

Garage Requirement. A minimum 288 square feet garage is required for each House C building and each unit of a 2-unit House C. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved if it is determined by the community development director that the character of the surrounding neighborhood is absent of garages and subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property.

- Revise first sentence of Section 135-2.16.3.A.2, “Required Accessory Building; Accessory Building Locations”, to state “Garage for single-unit houses, minimum 288 square feet” rather than “minimum 12 ft. by 24 ft.”
- Revise Section 135-2.16.3.E.5 to state:

Garage Requirement. A minimum 288 square feet garage is required for each House D building and each unit of a 2-unit House D. A Type 1 design alternative for reduction in size of garage or waiver of garage requirement may be approved if it is determined by the community development director that the character of the surrounding neighborhood is absent of garages and subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a

foundation or concrete slab and with building materials matching the principal household dwelling on the property.

- Revise Section 135-9.2.4.A.8, “Type 2 Design Alternatives”, to state “Reduction in size of garage or waiver of garage requirement for House Type A.”
- Add new Section 135-9.2.3.A.9, “Type 1 Design Alternatives”, as follows:

Reduction in size of garage or waiver of garage requirement for House Types B, C and D, subject to determination by the community development director that the character of the surrounding neighborhood is absent of garages and subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property.

2. Clarify definition and intent of reference to “improved alley.”

- Revise Section 135-12.3, “Terms Beginning with ‘A’”, “Alley, improved” as follows:

Alley, improved: an existing or planned public alley right-of-way improved to the standards of the city’s public works department (i.e. traversable surface of either gravel or paving) that the public works director certifies will be maintained by the city for new or continued vehicular access.

3. Require window trim only on street-facing facades.

- Revise Section 135-4.3.2.D, “Windows”, to state:

Trim. For all House buildings, a minimum four inches wide, nominal, trim is required surrounding windows that are located on all street-facing facades and that abut any material other than masonry.

4. Allow vinyl siding as a minor facade material for multi-household buildings, subject to an increased standard of siding.

- Revise Table 135-4.1-2 “Allowed Minor Facade Materials”, as follows:

Vinyl Siding minimum 0.044 inches thick; where <u>not prohibited by local historic district regulations</u>	<u>All House Types, except those in N4 or NX2 districts</u>	All	65% of street facade, 100% on all other facades
	<u>All Commercial Cottage, General Buildings, Flat Buildings, and Row Buildings, containing 3 or more household</u>	All	40%

	units, located in MX1, MX3, RX1, RX2, NX1, NX2 and NX3 districts		
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5. Increase allowed projection in front of house for attached garages from 8 feet to 10 feet.

- Revise Section 135-4.3.8.A.1, “Garage Doors”, to state: “No garage door may project more than ten feet from the entrance facade on the same building facing the same street.”

6. Revise short-term rental requirements to allow owner-occupants of single-household dwellings to rent on a short-term basis for more than 120 cumulative days annually, if the owner-occupants are present for all short-term rentals beyond said 120-day limit.

- Revise Section 134-3.8.3.10-12, “Short-Term Rental”, to delete “275 days annually” and replace with “245 days annually” to account for the increase in short-term rentals from 90 days to 120 days’ cumulative annual rentals.

- Revise Section 134-3.8.3.15, “Short-Term Rental”, to state:

15. Renting of each approved short-term rental shall be limited to no more than 120 days’ cumulative annual rentals, with each annual rental period commencing on the anniversary of the date of filing of the board of adjustment decision and order approving the conditional use. The 120-day cumulative annual rental limit is applicable across any and all hosting platforms or other means of advertising the short-term rental, rather than per hosting platform or advertising method. Notwithstanding the foregoing, short-term rentals located within owner-occupied single-household detached structures, and short-term rentals located on the same lot as and associated with an owner-occupied principal residential structure, are not subject to the 120-day cumulative annual rental limitation provided that the owner-occupant is present for the duration of any short-term rental(s) occurring after said 120-day limitation has been reached within each annual rental period.

7. Distinguish between repair and replacement of sign face types for non-conforming general advertising signs with electronic or multi-vision display sign faces and other non-conforming signs.

- Revise Section 134-7.3.6, “Damage or Destruction”, to add language to subsection (C) and add new subsection (D) as follows:

C. For purposes of this subsection as it applies to all signs, other than general advertising signs containing electronic or multi-vision display sign faces, the phrase

“damaged or destroyed” includes removal of the sign face for repair, alteration, replacement or upgrade.

D. For purposes of this subsection as it applies to general advertising signs containing electronic or multi-vision display sign faces, the phrase “damaged or destroyed” does not include removal of the electronic or multi-vision display sign face for repair or replacement if the sign structure and the sign face type (electronic or multi-vision display) are neither modified nor altered and if the size of the repaired or replacement electronic or multi-vision sign face remains the same as the size of the previously existing electronic or multi-vision sign face.

8. Further adjust minimum square footages for House Type Buildings, distinguish between zoning districts for House Type A square footage requirements, and include condition for variety in square footages when design alternatives are requested.

- Revise Section 135-2.13.3.E.6, “Additional Regulations/Notes”, for House Type A as follows:

6. Minimum House Size.

A. In zoning districts N1a, A, and N1b, single-unit and two-unit House Type A buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type A buildings on lots surrounded by existing buildings:

- a. Single-story unit shall be a minimum of 1,400 square feet.
- b. One-and-a-half story unit shall be a minimum of 1,600 square feet.
- c. Two-story unit shall be a minimum of 1,800 square feet.

B. In zoning district N2, single-unit and two-unit House Type A buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type A buildings on lots surrounded by existing buildings:

- a. Single-story unit with a full basement shall be a minimum of 1,300 square feet.
- b. Single-story unit without a full basement shall be a minimum of 1,400 square feet.
- c. One-and-a-half story unit with a full basement shall be a minimum of 1,400 square feet.

- d. One-and-a-half story unit without a full basement shall be a minimum of 1,500 square feet.
 - e. Two-story unit with a full basement shall be a minimum of 1,500 square feet.
 - f. Two-story unit without a full basement shall be a minimum of 1,600 square feet.
- Revise Section 135-2.14.3.E.5, “Additional Regulations/Notes”, for House Type B as follows:
 - 5. Minimum House Size. Single-unit and two-unit House Type B buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type B lots surrounded by existing buildings:
 - a. Single-story unit with a full basement shall be a minimum of 1,100 square feet.
 - b. Single-story unit without a full basement shall be a minimum of 1,200 square feet.
 - c. One-and-a-half story unit with a full basement shall be a minimum of 1,250 square feet.
 - d. One-and-a-half story unit without a full basement shall be a minimum of 1,300 square feet.
 - e. Two-story unit with a full basement shall be a minimum of 1,300 square feet.
 - f. Two-story unit without a full basement shall be a minimum of 1,400 square feet.
 - Revise Section 135-2.15.3.E.6, “Additional Regulations/Notes”, for House Type C as follows:
 - 6. Minimum House Size. Single-unit and two-unit House Type C buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type C buildings on lots surrounded by existing buildings:
 - a. Single-story unit with a full basement shall be a minimum of 1,100 square feet.
 - b. Single-story unit without a full basement shall be a minimum of 1,200 square feet.

- c. One-and-a-half story unit with a full basement shall be a minimum of 1,250 square feet.
 - d. One-and-a-half story unit without a full basement shall be a minimum of 1,300 square feet.
 - e. Two-story unit with a full basement shall be a minimum of 1,300 square feet.
 - f. Two-story unit without a full basement shall be a minimum of 1,400 square feet.
- Revise Section 135-2.16.3.E.7, “Additional Regulations/Notes”, for House Type D as follows:
 - 7. Minimum House Size. Single-unit and two-unit House Type D buildings constructed after the effective date of this chapter as defined in section 135-1.2 of this chapter shall meet or exceed the following minimum above grade finished floor areas. Design alternatives are available pursuant to section 135-9.2 of this chapter, with consideration thereof subject to the variety of House building types, or the variety of minimum square footages and design features in the same House building type, to be provided for any development other than infill single-unit or two-unit House Type D buildings on lots surrounded by existing buildings:
 - a. Single-story unit with a full basement shall be a minimum of 1,100 square feet.
 - b. Single-story unit without a full basement shall be a minimum of 1,200 square feet.
 - c. One-and-a-half story unit with a full basement shall be a minimum of 1,250 square feet.
 - d. One-and-a-half story unit without a full basement shall be a minimum of 1,300 square feet.
 - e. Two-story unit with a full basement shall be a minimum of 1,300 square feet.
 - f. Two-story unit without a full basement shall be a minimum of 1,400 square feet.

9. Allow up to 18% reduction in square footage requirement for House Types A, B, C and D, with a required minimum of 1,000 square feet, through a Type 1 design alternative.

- Revise Section 135-9.2.3.A.8 to state:
 - 8. Reduce applicable minimum square footage requirement for House Types A, B, C or D by up to 18%; provided, however, that no House building shall be allowed by a Type 1 design alternative to contain less than 1,000 square feet of above grade finished floor area.
- Revise Section 135-9.2.4.A.10 to state:

10. Reduce applicable minimum square footage requirement for House Types A, B, C or D (i) by more than 18%, or (ii) to allow any House building to contain less than 1,000 square feet of above grade finished floor area.

10. Accommodate re-build requirements for financing of buildings while maintaining design standards.

- Revise Section 135-10.3.5.A, “Damage or Destruction”, to state:

A. If a pre-existing building is damaged or destroyed by any means beyond the control of the property owner, the pre-existing building may be re-established in the same building footprint as existed before the damage or destruction, provided that a permit application to allow the re-establishment is filed within six months of the damage or destruction, and provided that the building complies with the requirements of this chapter, including any approved Type 1 or Type 2 design alternatives, other than requirements relating to the pre-existing building footprint.

11. Clarify standards for Chapter 135 design alternative approval.

- Revise Section 135-9.2.2.B, “Design Alternatives Generally”, to state:

Intent. The design alternative provisions of this section are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation’s intended purpose and greater consistency with the comprehensive plan. Consideration of requested design alternatives through the administrative and public hearing review processes will include an evaluation of the character of the surrounding neighborhood, the totality of the number and extent of design alternatives requested compared to the requirements of this chapter, and other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

12. Revise draft zoning map as follows:

A. Rezoning necessitated by above-listed minimum square footage revisions to Section 135-2.13.3.E.6, “Additional Regulations/Notes”, for House Type A (see #8 above):

- Revise designation for real property bounded by East 38th Street to the west, East Aurora Avenue to the south, East 46th Street to the east, NE 50th and the City limits to the north, from “N1a” to “N1b”.

- Revise designation for real property bounded by immediately east of East 43rd Court to the west, Boyd Street and Hull Avenue to the south, immediately west of NE 48th Street to the east, and NE 38th Avenue to the north, from “N1a” to “N2”.
- Revise designation of real property bounded by immediately east of NE 48th Street to the west, immediately north of East Douglas Avenue to the south, NE 51st Court/Brook Run Drive to the east, and NE Aurora Avenue to the north, from “N1a” to “N2”.
- Revise designation of real property bounded by SE 34th Street to the west, Hart Avenue to the south, SE 36th Street to the east, and East McKinley Avenue to the north, from “N2” to “N1b”.
- Revise designation of real property bounded by generally SW 61st street to the west, generally north of Watrous Avenue to the south, SW 56th Street to the east, and generally Wolcott Circle to the north, from “N1a” to “N2”.

B. Additional Recommendations:

- Revise designation of real property bounded by generally 27th Street to the west, Urbandale Avenue to the south, Martin Luther King, Jr. Parkway to the east, and generally Douglas Avenue to the north, from “CX” to “MX3”.

C. Rezoning approved between May-August 2019:

- Revised designation for real property locally known as 4801 Franklin Avenue from “P2” to “Legacy PUD” in accordance with Ordinance No. 15,787 adopted July 15, 2019, which rezoned said property from “C-1” Neighborhood Retail Commercial District to “PUD” Planned Unit Development District to allow property for a mix of commercial uses.
- Revised designation for real property locally known as 3301 East 56th Street from “N1a” to “N1b”, “N2”, and “NX2” in accordance with Ordinance No. 15,793 adopted August 5, 2019, which rezoned said property from “A-1” Agricultural District to “R-3” Multiple-Family Residential District to allow development of single-family and multi-family residential uses.
- Revised designation for real property locally known as 5092 East Broadway Avenue from “EX” to “I1” in accordance with Ordinance No. 15,794 adopted August 5, 2019, which rezoned said property from “A-1” Agricultural District to “M-1” Light Industrial District to allow expansion of an industrial use on an adjoining parcel.
- Revised designation for real property locally known as 1424, 1428, 1432 and 1436 East 25th Street from “PUD” to “N3c” in accordance with Ordinance No. 15,795 adopted August 5, 2019, which rezoned said properties from “PUD” Planned Unit Development District to “R1-60” One-Family Low-Density Residential District to allow development of single-family residential dwellings.
- Revised designation for real property locally known as 3908 Lower Beaver Road from “N3a” to “N3a-2” in accordance with Ordinance No. 15,800 adopted August 19, 2019, which rezoned said property from “R1-60” One-Family Low-Density

Residential District to “R-2” Two-Family Residential District to allow development of a two-family residential dwelling.

- Revised designation for real property in an area of the City generally bounded by East Livingston Avenue on the north, Edison Avenue on the south, Southeast 6th Street on the east, and Southeast 2nd Street on the west, from “N3c” to “NX1” in accordance with Roll Call No. 19-1145 adopted July 15, 2019, which amended the future land use designation for said area from Low Density Residential to Low-Medium Density Residential.

D. Pending rezonings:

- Revise designation for real property locally known as 3104 University Avenue and 1134 31st Street from “MX2” on the north parcel and “NX2” on the south parcel to “MX3” for both parcels, if an ordinance for the pending rezoning from “C-1” Neighborhood Retail Commercial District, “R-3” Multiple-Family Residential District, and “C-0” Commercial-Residential District to “NPC” Neighborhood Pedestrian Commercial District is approved to allow a new fueling station and convenience store.
- Revise designation for real property locally known as 2944 Des Moines Street from “N3c” to “MX1”, if an ordinance for the pending rezoning from “R1-60” One-Family Low-Density Residential District to “C-2” General Retail and Highway-Oriented Commercial District is approved to allow expansion of the existing branch financial services site.
- Revise designation for property locally known as 650 Southeast 30th Street for the additional 25 feet to the south of the property line from “I1” to “I2”, if an ordinance for the pending rezoning from Limited “M-1” Light Industrial District to “M-2” Heavy Industrial District is approved to allow extension of scrap yard under development on the property to the north.
- Revise designation for properties locally known as 601 24th Street and 602 23rd Street from “N5” to “NX1”, if an ordinance for the pending rezoning from “R1-60” One-Family Low-Density Residential District to “R-3” Multiple-Family Residential District is approved to allow for development of up to 7 units of 3-story rowhouse dwellings.
- Revise designation for properties locally known as at 720, 727 and 730 East 2nd Street, 827 – 861 East 2nd Street, 205 -221 Maple Street, 350 Maple Street, 101 – 284 East Center Street, 832 – 848 East 4th Street, 225 East Center Street, and 200 Des Moines Street from “DXR” to “Legacy PUD”, if an ordinance for the pending rezoning from “D-R” Downtown-Riverfront District to “PUD” Planned Unit Development is approved to allow establishment of a “PUD” for 121 existing and future row dwelling units within “The Banks”, 243 existing multiple-family dwelling units within the “Verve” and “Velocity” buildings, and 114 future multiple-family dwelling units within the “Level” building.
- Revise designation for property locally known as 1820 East Army Post Road from “EX” to “I1”, if an ordinance for the pending rezoning from Limited “M-1” Light

Industrial District to Limited "M-1" Light Industrial District is approved to allow for retail sales of consumer fireworks and warehousing.

- Revise designation for properties locally known as 2500 and 2710 Fleur Drive from "NX2" and "EX" to "Legacy PUD", if an ordinance for the pending rezoning from "M-3" Limited Industrial District and "R-3" Multiple-Family Residential District to "PUD" Planned Unit Development is approved to allow reuse of the American Institute of Business campus for a mixed use development.
- Revise designation for property locally known as 2725 Southwest 30th Street from "EX" to "N1a", if an ordinance for the pending rezoning from "M-3" Limited Industrial District to "R1-80" One-Family Residential District is approved to allow development of the property with a single-family dwelling.